

REMARKS

Practice under the PCT provides for the International Bureau to send a copy of the ISR and any cited ISR documents to elected patent offices. It appears that the ISR itself but not the cited documents were provided by the International Bureau in this case. Accordingly, copies of those documents, as well as an art listing form for the convenience of the Examiner, is submitted herewith.

With respect to the IDS filed in April 2008, it is respectfully submitted that a concise explanation of the relevance as it was presently understood was submitted. English language abstracts of two of the references submitted were enclosed as well as a translation of the statement by the Russian Examiner setting forth the relevance of those references. That explanation of the relevance is what was presently understood. Accordingly, it is respectfully submitted that the IDS fully complied with 37 C.F.R. 1.98(a)(3) and the information referred to therein should have been considered. For the convenience of the Examiner, the cited material has been added to the art listing form being submitted herewith.

It is respectfully submitted that the objection to the specification is not valid and should be withdrawn. As the Office Action indicates, the guidelines are "suggested" and illustrate a "preferred layout", but the guidelines are not mandatory.

It is respectfully submitted that the objection to claim 14 can be withdrawn in light of the above correction to the dependency.

In reviewing the pending claims, it was noted that several of the claims included both a broad range and one or more sub-ranges. The sub-ranges have been separated into other claims in the above amendments.

Claim 1 has been amended to specify that when the sewage sludge ash is present in the briquettes, it constitutes not more than 20% thereof in accordance with the disclosure on page 13, lines 21 and 22.

Claims 1-4, 6, 7, 9, 11-13 and 19-23 were rejected under 35 U.S.C. 103 over Juul in view of Nakahara and optionally Johnson. This rejection is respectfully traversed.

The Juul patent relates to a method of producing a glass from sludge so that the glass can be used more efficiently in waste disposal areas without, at the same time, producing deposit material containing environment harmful and hazardous substances. The process involves forming briquettes and then melting the briquettes in the presence of oxygen to form a glass that contains more than 30 weight percent inorganic components. As shown in the examples of this reference, the briquettes can be made from a sludge ash. The melt is then quenched to form a slag [0032].

As the Office Action points out, Juul does not teach that the melt is directly fiberised. In order to avoid this deficiency, the Office Action asserts that it "is deemed that Juul reads on the client 'fiberising the melt', because the broadest reasonable interpretation of 'fiberising' is comprising in nature, and is thus open to the Juul steps of quenching, casting then converting to wool..." It is respectfully submitted that this contention is not valid for at least 2 reasons – it misreads the claims and overlooks the requirement that the "broadest reasonable interpretation" must be "consistent with the specification". See

MPEP 2111. With respect to the latter consideration, the specification points out in the paragraph bridging pages 9 and 10 that the fiberisation is carried out in the conventional manner and generally by a centrifugal fiber forming process. In all of these processes, the mineral melt is thrown into space, for example, by passing through perforations in a spinning cup or thrown off a rotating disk and fiber formation can be promoted by blasting jets of gas through the melt. Likewise, the Johnson patent teaches that fiberisation involves using a blast of high pressure steam or air to tear the molten material (the melt) into drops which project forcibly through the air to produce long fine strands and cool to form a mass of fibers. See column 1, lines 25-42. The broadest reasonable interpretation consistent with the specification does not involve quenching a melt to form a solid material, as in Juul.

In addition, the melt when quenched is converted into a solid slag. In order to be fiberised, that slag would have to be converted into a new melt. The claims under consideration call for fiberising the melt which results from melting the briquette charge in a furnace. "The melt" is not a second melt formed after the furnace product has been quenched to form a slag. The Office Action implicitly recognized this difference when it stated that "the 'melt' is [not] directly fiberised". In order to further emphasize this point, the terminology "the melt" in claim 1 has been changed to "said melt".

The Office Action asserts that it would have been obvious to form the Juul melt directly into fibers to avoid the cost associated with remelting the slag. Applicants respectfully disagree. Juul is addressing a waste disposal problem. The object of the reference is to convert the waste into a form which takes up less space so that the disposal area can accommodate a greater amount of the waste while at the same time providing a form which avoids environmental or harmful or hazardous substances. In order to realize

this goal, it is important that the glass product have a high hardness and contain more than 30 weight percent inorganic components originating from the sludge. Providing a fibrous material is inconsistent with the object of this reference. If one wanted to minimize cost, as is proposed in the Office Action, incurring the bother and cost involved in forming the briquettes makes no sense. That work and cost could be eliminated by simply taking the waste and melting it. The present invention is not simply a waste disposal method but rather it is a method for the production of mineral fibers. There are advantages relating to the physical properties of the briquettes and in relation to the final fibers, which are not provided in the prior art.

In light of the foregoing considerations, it is not necessary to comment about the further assertions made in the Office Action. However, it should be noted that the "at least 30%" in Juul relates to the inorganic component of the sludge rather than the sludge as a whole. Since the sludge contains both inorganic and organic components, it is readily apparent that the amount of sludge in Juul's briquettes is significantly greater than 30%. Juul requires a minimum of 30% inorganic components from the sludge to be present and provides no reason that the amount of sludge (or for that matter just the inorganic component of the sludge) should be less than 30%.


Claims 5, 8, 10 and 15-18 were rejected under 35 U.S.C. 103 over Juul in view of Nakahara and optionally Johnson and in further view of Perander and Kaneko. All of these claims are in dependent form and the additional references, Perander and Kaneko, have been cited only to show features recited in these claims. The additional references are not asserted to, nor in fact do they cure any of the basic deficiencies in the combination of Juul, Nakahara and Johnson. Accordingly, this rejection is also untenable.

It is respectfully submitted that the rejection of claim 10 and 18 under 35 U.S.C. 112, second paragraph, can be withdrawn. The extraneous period in claim 10 has been eliminated and the wording of claim 18 has been changed for additional clarity.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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